

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STEVE R. SMITH,  
Plaintiff,

v.

JASON EAGLE,  
Defendant.

Case No. [23-cv-02612-AMO](#) (PR)

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE**


On May 26, 2023, plaintiff, an inmate at the Maguire Correctional Facility, filed a letter with the Court expressing his displeasure with the conditions of confinement in the jail at which he is currently housed. Dkt. 1. On that same date, the Clerk of the Court sent notices to plaintiff, informing him that his action could not go forward because he had not filed a complaint and a completed prisoner's *in forma pauperis* ("IFP") application. Dkts. 2, 3. The Clerk provided him with blank complaint and IFP application forms, along with a return envelope, instructions, and a notification that he must complete the complaint form and either pay the fee or return the completed IFP application within twenty-eight days, or his action would be dismissed. *Id.*

On June 30, 2023, plaintiff filed his completed *pro se* prisoner civil rights complaint form. Dkt. 7. However, plaintiff neither paid the filing fee nor returned the completed IFP application, and the twenty-eight day deadline has passed.

Accordingly, this action is **DISMISSED WITHOUT PREJUDICE**. The Clerk shall terminate all pending motions and close the file. Any motion to reopen must contain either the full filing fee or a completed IFP application.

**IT IS SO ORDERED.**

Dated: July 13, 2023

  
ARACELI MARTÍNEZ-OLGUÍN  
United States District Judge